

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

|                           |   |                   |
|---------------------------|---|-------------------|
| UNITED STATES OF AMERICA, | ) |                   |
|                           | ) |                   |
| Plaintiff,                | ) |                   |
|                           | ) |                   |
| -VS-                      | ) | No. 17-CR-094-GKF |
|                           | ) |                   |
| JOSE RAWDON TRUJILLO,     | ) |                   |
|                           | ) |                   |
| Defendant.                | ) |                   |

TRANSCRIPT OF REVOCATION HEARING  
BEFORE THE HONORABLE GREGORY K. FRIZZELL  
UNITED STATES DISTRICT JUDGE  
JULY 20, 2020

A P P E A R A N C E S

**Timothy L. Faerber**, Assistant U.S. Attorney, 110 West Seventh Street, Suite 300, Tulsa, Oklahoma, 74119, attorney on behalf of the Plaintiff;

**Scott A. Graham**, Assistant Federal Public Defender, One West Third, Suite 1225, Tulsa, Oklahoma, 74103, attorney on behalf of the Defendant.

**REPORTED BY:** **BRIAN P. NEIL, RMR-CRR**  
**United States Court Reporter**

Monday, July 20, 2020

\* \* \* \* \*

**DEPUTY COURT CLERK:** This is Case No. 17-CR-094-GKF, United States of America v. Jose Rawdon Trujillo. Counsel, please state your appearances for the record.

**MR. FAERBER:** Good morning, Your Honor. Timothy Faerber for the United States.

**THE COURT:** Good morning.

**MR. GRAHAM:** Morning, Your Honor. Scott Graham for Mr. Trujillo and he is present in custody.

**THE COURT:** Good morning. Mr. Graham, are there any announcements as to any of these violations this morning?

**MR. GRAHAM:** Your Honor, Mr. Trujillo would stipulate that the government could prove by a preponderance of the evidence the allegations in the petition, pointing out one discrepancy Mr. Trujillo has, which is only the word "moved." He disputes the word "moved." However, as the allegation is written, he doesn't dispute that he didn't follow the instructions of the probation officer and he abandoned his house and the stuff inside the house to go to New York and Montana eventually.

So with that caveat, as written, all four of the conditions he would stipulate to.

**THE COURT:** All right. Let me see if I understand that distinction then from the allegations contained in alleged

1 violation No. 4. I mean, it almost sounds like a renter  
2 dispute as to whether or not he had truly abandoned the rental  
3 unit. I've read the letter of Officer Murdock, where it's  
4 represented that new renters had come in and they were moving  
5 out the defendant's belongings out of the unit.

6 So if I'm to understand correctly, you're stating that  
7 he didn't actually move even though he had gone to Wagoner  
8 Lake; right?

9 MR. GRAHAM: Correct.

10 THE COURT: All right. But that's irrelevant  
11 here --

12 MR. GRAHAM: I agree.

13 THE COURT: -- is it not? Because whether he  
14 formally moved out of the rental unit or not, he did, in  
15 fact --

16 MR. GRAHAM: Yes. He violated the condition as  
17 stated --

18 THE COURT: Yes.

19 MR. GRAHAM: -- and that's what we would stipulate  
20 to. I'm merely pointing out, at the request of Mr. Trujillo,  
21 that "move" is a word we don't need to inject into the  
22 allegation.

23 THE COURT: Got it. Got it. And I'm sensitive to  
24 that having seen a lot of disputes between landlords and  
25 renters. But he did, in fact, transport himself from that unit

1 to Wagoner Lake in his vehicle where he was essentially living  
2 out of that vehicle for a period of time; correct?

3 MR. GRAHAM: That's correct.

4 THE COURT: Okay. And I take it you've had  
5 discussions with the defendant with regard to his right to a  
6 hearing today?

7 MR. GRAHAM: I have, Your Honor.

8 THE COURT: And is he willing to waive, or give up,  
9 his right to a disputed hearing?

10 MR. GRAHAM: On these allegations, yes, Your Honor.  
11 He does -- he had asked to address the court on some matters  
12 that he believes has to do with the allegations but an  
13 adversarial hearing we don't need.

14 THE COURT: All right. So you're talking about how  
15 to address the violations he'd like to speak to me?

16 MR. GRAHAM: Correct.

17 THE COURT: Well, good. Because I would like to do  
18 that as well and evaluate his -- because of our history here in  
19 this case I think I need to evaluate his competency.

20 MR. GRAHAM: I agree.

21 THE COURT: All right. And let me ask Mr. Faerber:  
22 With that understanding as to the word "moved" in alleged  
23 violation No. 4, is there a need to call a witness here today?

24 MR. FAERBER: No, Your Honor. I understand  
25 Mr. Trujillo's point. We don't have any disagreement with him

1 on that. We think we can proceed by stipulation. So I don't  
2 think there's any need to call a witness.

3 THE COURT: Very good. Mr. Trujillo, if you'll  
4 approach, please.

5 THE DEFENDANT: Judge, do you mind if I take this  
6 off so I can speak?

7 THE COURT: You may.

8 THE DEFENDANT: Thank you.

9 THE COURT: A little easier to speak, isn't it?

10 THE DEFENDANT: It is.

11 THE COURT: Mr. Trujillo, do you understand that you  
12 have a right to a hearing on these alleged violations today?

13 THE DEFENDANT: Yes, sir, I do.

14 THE COURT: Do you understand you don't have to  
15 stipulate, or agree, to any of these violations?

16 THE DEFENDANT: I agree. I totally agree.

17 THE COURT: All right. But do you understand that  
18 you don't have to stipulate?

19 THE DEFENDANT: Yes, I understand.

20 THE COURT: All right. And do you understand that  
21 this petition for warrant alleges four separate violations of  
22 your conditions of supervised release?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Have you received a copy of this  
25 petition for warrant?

1           THE DEFENDANT: I did. But they threw them away at  
2 the jail because I couldn't travel with them in the car so they  
3 threw them away. So if I can get another copy today, I'd  
4 appreciate.

5           THE COURT: Oh, I think that should be no problem at  
6 all. But did you receive a copy with all of the attached  
7 exhibits?

8           THE DEFENDANT: I did, Your Honor.

9           THE COURT: Have you read it in its entirety?

10          THE DEFENDANT: Yes, I have.

11          THE COURT: All right. And Mr. Graham has stated  
12 here on the record that you're willing to stipulate; that is,  
13 agree, to these four alleged violations with the exception of  
14 the word "moved." Is that correct?

15          THE DEFENDANT: Yes, sir.

16          THE COURT: All right. So you and I need to go  
17 through each one of these alleged violations. And let me just  
18 be absolutely sure here and ask you again: Are you willing to  
19 give up your right to a hearing on these alleged violations?

20          THE DEFENDANT: Yes, Your Honor. Yes.

21          THE COURT: You understand that at such a hearing,  
22 the government would be required to put on a witness or  
23 witnesses --

24          THE DEFENDANT: Yes, sir.

25          THE COURT: -- to establish these violations by a

1 preponderance of the evidence?

2 THE DEFENDANT: Absolutely, sir. Yes, sir.

3 THE COURT: Do you understand that Mr. Graham would  
4 have the opportunity to cross-examine that witness or  
5 witnesses?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And do you understand that at such a  
8 hearing, you'd have the right to take the witness stand and  
9 testify on your own behalf?

10 THE DEFENDANT: Yes, sir. Yes.

11 THE COURT: All right. Let's go over these four  
12 violations.

13 The first alleged violation is you violated standard  
14 condition No. 3, which states that you must not knowingly leave  
15 the federal judicial district where you are authorized to  
16 reside -- in this case that was the Eastern District of  
17 Oklahoma -- without first getting permission from the court or  
18 the probation officer.

19 The second alleged violation is that you violated  
20 standard condition No. 4, which requires you to answer  
21 truthfully the questions asked by the probation officer.

22 The third alleged violation is that you violated  
23 standard condition No. 5, which requires you to live at a place  
24 approved by the probation officer. If you plan to change where  
25 you live or anything about your living arrangements, such as

1 the people with whom you live, you must notify the probation  
2 officer at least ten days before the change. If notifying the  
3 probation officer at least ten days in advance is not possible  
4 due to unanticipated circumstances, you must notify the  
5 probation officer within 72 hours of becoming aware of a change  
6 or expected change.

7 And, finally, the alleged violation No. 4 is that you  
8 violated standard condition No. 13, which requires you to  
9 follow the instructions of the probation officer related to the  
10 conditions of supervision.

11 And with the exception of this word "moved," are you  
12 willing to stipulate, or agree, that you violated these four  
13 violations?

14 THE DEFENDANT: Absolutely, yes, sir, Your Honor.

15 THE COURT: Let me rephrase that. That you violated  
16 these four conditions?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: All right. As I understand, essentially  
19 after moving -- let me avoid that word -- after situating  
20 yourself at Wagoner Lake in your vehicle, you then left the  
21 state of Oklahoma, and specifically the Eastern District of  
22 Oklahoma, and you told Officer Murdock that you were in New  
23 York. Were you, in fact, in New York for a time?

24 THE DEFENDANT: I had went to church in Tennessee  
25 and then I went on into Washington and New York and then I just



1 turned around from New York and went on into Montana.

2 THE COURT: All right.

3 THE DEFENDANT: So I didn't stay in New York. I

4 just went there to say, hey, I got there, you know, I made it,

5 basically I saw it.

6 THE COURT: Right. Okay. And then you were asked

7 by Officer Murdock where exactly you were and where you were

8 going, and you would not give him your exact location and

9 stated that you apologized but you could not risk doing that.

10 Is that correct?

11 THE DEFENDANT: Yes. For being pulled over and

12 going back to jail when I'm not ready yet.

13 THE COURT: I understand.

14 THE DEFENDANT: Yeah. It's --

15 THE COURT: I understand.

16 THE DEFENDANT: Not ready. So --

17 THE COURT: Okay. How are you doing right now?

18 THE DEFENDANT: Good. I'm doing good. Can I talk?

19 THE COURT: Yeah. Let me just ask before you do --

20 THE DEFENDANT: Okay.

21 THE COURT: -- it's my understanding that with the

22 Bureau of Prisons you had been put on a once-a-month injectable

23 called "Invega."

24 THE DEFENDANT: Sure.

25 THE COURT: And we've seen -- I'm certainly not an

1 expert in this -- but we've seen individuals who have responded  
2 very well to that drug. And I'm told by the probation officer  
3 that at least your family had represented that you were  
4 responding very well to that but that CREOKS, or however you  
5 pronounce it, took you off that.

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And at least there's some perception by  
8 the probation office that you backslid in terms of your mental  
9 health after being taken off of the Invega. Give me your --

10 MR. GRAHAM: My understanding if I can -- just to  
11 inform the court about -- my understanding is the last time he  
12 got Invega was in May of 2019 before he was released from DLM  
13 and then CREOKS would never give it to him.

14 THE DEFENDANT: Right.

15 THE COURT: Well, that's consistent with -- I didn't  
16 know the specifics but that's consistent with what was told to  
17 me. Okay. Thank you.

18 MR. GRAHAM: I just wanted to add to the timeline.

19 THE COURT: Absolutely. I appreciate that.

20 MR. GRAHAM: Thank you.

21 THE COURT: So give me your perception. Because at  
22 least based upon what you've said to me right so far, I see no  
23 question as to competency. But go ahead.

24 THE DEFENDANT: Sure. When I was in the prison, I  
25 was diagnosed with the schizophrenia -- as a matter of fact,

1 can I back up to the courtroom?

2 When I walked in the first courtroom after I was  
3 arrested, the judge had pointed at me and said, "Mr. Trujillo,  
4 you have a severe mental disorder."

5 THE COURT: Was that here in this courthouse?

6 THE DEFENDANT: That was not in this courthouse, not  
7 -- or in this courthouse, yes.

8 THE COURT: Right. But that was a magistrate judge?

9 THE DEFENDANT: That was a magistrate judge.

10 THE COURT: All right.

11 THE DEFENDANT: And to my understanding, the judge  
12 has no right to diagnose anybody except for it to be by a  
13 doctor. And as I got to --

14 MR. GRAHAM: Springfield.

15 THE DEFENDANT: -- Springfield, that's -- yeah, I  
16 went nine months without being even looked at as a mental case,  
17 sir, as a mental patient, you know, with the comments that I  
18 made over the phone. They didn't see it as, you know, people  
19 just get mad. They asked me about it. I said that I just got  
20 mad, I got upset, I made a mistake, I apologize. So they  
21 didn't see any behavior patterns.

22 There's three -- or what do they call them? --  
23 statistics. There's three behaviors that they're looking for  
24 inside the mental home to diagnose you and to medicate you.

25 THE COURT: Three axes or something like that. Do

1 you know the specifics?

2 MR. GRAHAM: He's talking about an administrative --  
3 he's talking about the administrative hearing on whether to it  
4 force-medicate.

5 THE COURT: I see. Right.

6 THE DEFENDANT: And that's what they done. They  
7 went to force medication. I told Scott the story of why they  
8 went there. It wasn't for the three reasons why they would  
9 force-medicate; it went to another reason. Which I had wrote  
10 up one of the doctors in there, Ms. Preston, did you get a  
11 letter for PREA? I wrote her up. She made some comments  
12 inside of the office and I was uncomfortable with the comments  
13 that she made, you know. I didn't take it any further but went  
14 to PREA, wrote it up. She found out. She got scared, nervous.  
15 This is where this -- I would like for the court --

16 THE COURT: Based upon what comments?

17 THE DEFENDANT: On -- I was in the office and she  
18 says, "Mr. Trujillo" -- and she, you know, flirts, flips --  
19 flips her hair and kind of flirtatiously says --

20 THE COURT: Well, she's trying to gain your  
21 confidence and trust. So --

22 THE DEFENDANT: That's scary for us because those  
23 comments can put us in a hole as a prisoner that sees it in  
24 there. If you flirt back with them, those comments can make an  
25 inmate go sit in a hole for --

1 THE COURT: So did you, in fact, flirt back?

2 THE DEFENDANT: Absolutely not.

3 THE COURT: All right.

4 THE DEFENDANT: I got up. I left.

5 THE COURT: So did she make those comments you're  
6 saying?

7 THE DEFENDANT: She made them, yes, sir. She will  
8 agree to what she said to me, sir. And it was -- I wrote Scott  
9 and told him that I need this -- I need you to see what  
10 happened in here for what administered the medication on me.  
11 It wasn't for the behavior -- of my behavior. It was the fact  
12 that I turned her in for the comments that she made.

13 THE COURT: Oh, I see. You reported her?

14 THE DEFENDANT: I reported her as --

15 THE COURT: I see.

16 THE DEFENDANT: Yes. And that went into the PREA.  
17 And now --

18 MR. GRAHAM: PREA as in the Prison Rape Elimination  
19 Act.

20 THE DEFENDANT: Yes. Because it says -- and I  
21 haven't been in jail for 17 years. As I go in this prison, I  
22 see on the paper -- or these walls, if anything happens, write  
23 or contact PREA, contact the administrator, contact the  
24 counsel or immediately.

25 THE COURT: All right. But have you ever read "How

1 to Win Friends and Influence People"?

2 THE DEFENDANT: Huh?

3 THE COURT: You got to use a little bit of judgment.

4 THE DEFENDANT: What do you mean?

5 THE COURT: She's evaluating you.

6 THE DEFENDANT: I haven't been to jail in 17 years  
7 so I knew nothing about the PREA Act that even came out in the  
8 prisons. I didn't know that. So when I heard that on the  
9 PREA, I thought, Okay. I will.

10 I went to an inmate and talked to him about it, and I  
11 could even get his conversation about it if it goes to further  
12 jury. But I got his information and he said that this is what  
13 we need to do. So he wrote up a list -- because he's kind of  
14 like the prison lawyer, you know, people go to them type of  
15 guys --

16 THE COURT: I'm well aware.

17 THE DEFENDANT: Yes, sir. Yes, sir. So he wrote up  
18 what I needed to talk to her about politely, you know, the  
19 things that -- I do have that paper and further court dates  
20 down the road. If we go further, I will bring these in.

21 THE COURT: All right. That's water under the  
22 bridge.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: So she recommends --

25 THE DEFENDANT: She got nervous.

1 THE COURT: -- forced medication?

2 THE DEFENDANT: She got a hold of Dr. Sarrazin.

3 Dr. Sarrazin agreed with her conversation about what her and I  
4 did, that was uncalled for for me to write her up. That's  
5 where her and him obviously talked. And he comes back into the  
6 cell where I'm at. She's with him. They're standing outside  
7 my window as I look out that little square in that hole. After  
8 another -- there was three PREA's that was written up on that  
9 whole time that I was there. Yes, sir.

10 THE COURT: Well, you understand, though, that her  
11 view is that she was not, in fact, doing what you alleged and  
12 that it was a --

13 THE DEFENDANT: She said I was a likable person,  
14 Your Honor.

15 THE COURT: All right. But that it was evidence of  
16 your mind that you were making these allegations; in other  
17 words, that you were conjuring this up. You understand that  
18 that's a --

19 THE DEFENDANT: I absolutely do.

20 THE COURT: You understand that's a reasonable  
21 position for her to take?

22 THE DEFENDANT: That's her -- yes, absolutely.  
23 Something to look into and not be standing firm or a hundred  
24 percent on. That would be something for her to you know -- or  
25 others to look into at, is this could be the reason why she did

1 what she did or is this the reason why he did what he did.

2 Prior to that one, there was a guard. One of the BOP  
3 guards I laid in on my bed. On a cell-check, he laid in on my  
4 bed and I saw him walking down the hall and I walked down from  
5 the opposite direction. I looked in there and I said, "What  
6 are you doing, man?" And he's laying on my bed -- and I don't  
7 want to get vulgar about it -- or should I?

8 THE COURT: No.

9 THE DEFENDANT: Okay. But he did a vulgar thing  
10 about it. And I said, "Why are you doing that, man?" And it  
11 wrote -- I wrote him up and they do have that information on  
12 file. I asked Scott if he would let you know, you know, the  
13 paperwork that I had written up on these guys to let them know  
14 what was going on. Because that's what stemmed off of -- or  
15 Ms. Preston saying that when I went into her office she said,  
16 "Joe, you're a likable person," you know, and I thought I can't  
17 -- I'm not going to get charged. I'm not going to -- I feel  
18 uncomfortable. And it's not me being a weirdo, Your Honor;  
19 it's me being safety in my own self.

20 THE COURT: All right. So we have -- you're deep  
21 into the weeds here. But in any event, they forced medication,  
22 the Invega; correct?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And your position is you didn't need it;  
25 correct?



1           THE DEFENDANT: Absolutely, yes. It wasn't written  
2 up for any of the three "criterias" that they recommend, the  
3 three criteria, why you would be force-medicated.

4           THE COURT: Okay. Let me just say that what's  
5 important to me right now is what your condition is as you  
6 stand before me --

7           THE DEFENDANT: Yes, sir.

8           THE COURT: -- now. It is not improper for a judge  
9 to make that evaluation not for the ultimate purpose of  
10 deciding your conditions or capacity --

11          THE DEFENDANT: Absolutely.

12          THE COURT: -- but for the purpose of sending you  
13 for an evaluation; right?

14          THE DEFENDANT: Sure, sure.

15          THE COURT: And just so you know, I'm doing that  
16 here.

17          THE DEFENDANT: Okay. Yes.

18          THE COURT: All right. Because there is some  
19 question that's been raised to me about your psychological  
20 condition and --

21          THE DEFENDANT: I would like for you to hear the  
22 full story before you would think that I would need another  
23 evaluation for the psychological --

24          THE COURT: Oh, absolutely.

25          THE DEFENDANT: Okay. Okay.

1 THE COURT: Absolutely. And I'm just reading from  
2 Mr. Murdock's letter here.

3 THE DEFENDANT: Yeah. The spiritual part?

4 THE COURT: Correct.

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And I want you to know -- I mean, I  
7 understand, you know, there's more to all this than just what  
8 we see in front of us.

9 THE DEFENDANT: Absolutely, absolutely.

10 THE COURT: All right. And I understand that. But  
11 the question is -- I mean, there's a line here between a  
12 spiritual understanding that there is more than the strictly  
13 material going on in this life.

14 THE DEFENDANT: Sure, sure.

15 THE COURT: On the other hand, someone can be  
16 incompetent --

17 THE DEFENDANT: Yeah.

18 THE COURT: -- if they're on the other side of that  
19 line and they see, you know, a demon behind every door --

20 THE DEFENDANT: Sure, sure.

21 THE COURT: -- right? So that's in part what I'm  
22 trying to evaluate here.

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Go ahead.

25 THE DEFENDANT: As I end up writing up three

1 PREA's -- I would like for you to have that brought into court  
2 in the future possibly -- all three were 100 percent claims.  
3 They weren't something that I imagined or see things happen.  
4 The camera systems are rolling. The guard -- one of the guards  
5 got mad at the reason why I wrote one of the guys up for the  
6 PREA and that's what caused me to go into the lockdown.

7 So once I was in the lockdown -- I'm going to skip from  
8 the lockdown into this spiritual moment that you're talking  
9 about here in Wagoner -- once I'm in the lockdown, that gives  
10 Preston an opportunity to be able to come visit me. She's back  
11 there visiting me, her and Sarrazin. They see that I'm not --  
12 nothing's wrong. Her and Sarrazin make up -- they make up  
13 this -- come back in and they're standing at both sides of my  
14 door and he's like -- because I could see him at this side and  
15 I saw her at this side. They're on the other side of the  
16 windows.

17 THE COURT: Okay. Identify these two people. Who  
18 are they?

19 THE DEFENDANT: Yes, I can. Dr. Sarrazin and  
20 Ms. Preston, Dr. Preston.

21 THE COURT: All right.

22 THE DEFENDANT: So they were trying to agree how  
23 much medicine shall they give me. This was after the forced  
24 medication court hearing and this was after I came back.  
25 Because they took me like this in the court. I was already in

1 lockdown and so they me out of lockdown shackled into the  
2 courtroom, force-medicated me through the judge, and then I  
3 went back into the lockdown. So that's when they came back in  
4 and they're like, "How much do we give him?" You know,  
5 Sarrazin was pointing to her on this side of the door and he  
6 was like -- she was like, "two, three, four," and he was like,  
7 "five." So they ended up going from 200 to 500 on medication.  
8 I took that medication and literally went out. I mean, it was  
9 a powerful punch of medication. I thought I'm not going to  
10 take this no more.

11 There's more to the story, but I want to jump to this  
12 point to where Ms. Alton and -- not Preston -- but Ms. Alton --  
13 I'm out, you know, in Wagoner. My landlord says -- you know,  
14 the jobs and everything starts slowing down.

15 Ms. Alton says, "Why don't you go back to working  
16 employment with hourly?" I'm self-employed. I build showers,  
17 walk-in showers, custom walk-ins. We talked about that last.  
18 And Ms. Alton recommended me to go inside of a company and  
19 start working with hourly wages.

20 I told her, "No. I like doing what I do for a living."  
21 My work normally does not dry out; it recommends  
22 itself, okay?

23 THE COURT: Right.

24 THE DEFENDANT: I get in this house under  
25 recommendations, underneath rules. I live there, pay the

1 bills, work, I'm happy.

2 The spiritual point is, I'm very spiritual when it  
3 comes time, when it comes time to my Lord, Jesus, my God,  
4 versus what we're having to deal with in this nation  
5 spiritually and demonically.

6 In the psychology department, it looks like that's what  
7 comes through a lot to explain to the doctors, you know, the  
8 Ph.D levels. They see it as a mental disorder. In my Bible  
9 that I read, the Lord talks to us about how we fight a demonic  
10 battle. Sorcery becomes pharmacia -- or pharmacia, the  
11 medicine. That brings sorcery into all -- you know, it gets  
12 deep.

13 So I'm real spiritual, not weird or not religious  
14 spiritual, but I understand the sorcery that we're dealing with  
15 versus, you know, the love of God that we're supposed to have  
16 towards our enemies. But at the same time, there's a spiritual  
17 battle that we're fighting. It's not against flesh and blood;  
18 it's against principalities and powers and rulers of the  
19 darkness of this world against spiritual wickedness in high  
20 places.

21 So understanding the spiritual battle, it brings  
22 against the psychology. I don't believe in psychology. I have  
23 the Bible that helps me get through my religion. And that's  
24 what we talked about to the judge -- I think it may have  
25 been --

1           **MR. GRAHAM:** Judge McCarthy.

2           **THE DEFENDANT:** -- Judge McCarthy. He said that  
3 it's going against his spiritual belief. I don't -- basically  
4 he says, I don't care. We're going to force -- he didn't say  
5 it -- but we're going to go ahead and force-medicate him.

6           I took that dose --

7           **THE COURT:** Well, let me just ask your attorney  
8 here.

9           **THE DEFENDANT:** Yes.

10          **THE COURT:** Did Judge McCarthy simply refer the  
11 defendant for evaluation or did he actually order forced  
12 medication?

13          **MR. GRAHAM:** So both. There was an original -- the  
14 original recommendation or referral to the BOP for an  
15 evaluation, then -- I mean, Mr. Trujillo was locked up, I think  
16 it was 21 months, at Springfield, Your Honor.

17          **THE COURT:** Which led to the 11(c)(1)(C).

18          **MR. GRAHAM:** Correct. Which was --

19          **THE COURT:** Right. But I take it Judge McCarthy did  
20 so because the BOP had, in fact, determined that he needed that  
21 forced medication and there were reports that he had made  
22 progress under that forced medication?

23          **MR. GRAHAM:** That's correct. And we had a hearing  
24 -- well, there hadn't been medication then there was a -- we  
25 had a cell hearing from the prison, and Judge McCarthy heard

1 their evidence and our evidence and made a determination that,  
2 in his opinion, Mr. Trujillo would benefit from forced  
3 medication.

4 THE COURT: I see. Well, because I don't deal in  
5 those proceedings --

6 MR. GRAHAM: Right.

7 THE COURT: -- those decisions are ultimately made  
8 by the magistrate judge. Is that correct?

9 MR. GRAHAM: That's correct.

10 THE COURT: Okay. So that was well within his  
11 purview.

12 MR. GRAHAM: That's right.

13 THE COURT: Okay. I'm not one who --

14 THE DEFENDANT: No. I understand, totally  
15 understand.

16 THE COURT: I don't deal in those proceedings  
17 normally. Go ahead.

18 THE DEFENDANT: So my behavior today with you is the  
19 same behavior that I was speaking with Preston about and those  
20 doctors. Dr. Rice, the M.D., says, "Mr. Trujillo, you will not  
21 be medicated here at this facility. I don't see any criteria  
22 that you will be medicated." He did recommend that. You can  
23 have -- that's on -- he will tell you.

24 MR. GRAHAM: So that's the different standard, Your  
25 Honor. They had the administrative dangerousness hearing.

1 They found Mr. Trujillo was not a danger so they couldn't  
2 medicate him, which is why we had the cell hearing in front of  
3 Judge McCarthy.

4 THE COURT: I see. Okay. Thank you.

5 THE DEFENDANT: So Ms. Preston gets very angry, I  
6 mean, literally. And I asked her -- I brought my Bible inside  
7 that medication hearing, inside there. I said, "Ms. Preston,  
8 can I read a scripture to you, ma'am?"

9 And she goes, "No. Get out." I mean, it was -- there  
10 was four people in that room when she said that, "Get out. Get  
11 out." And I got out, okay?

12 Wagoner, there's a lot to that story. In Wagoner, my  
13 landlord came by. I didn't have any money to be able to pay.  
14 Ms. Alton wanted me to work with a full company to get paid,  
15 you know, hourly. That's not how I work. I did go to work  
16 when I first got out of prison because I needed to get back up.  
17 I didn't have any clientele doing what I did so I went to work  
18 with an employer. Ms. Alton grabbed a hold of that saying that  
19 that's where you did good. After I left the employer after  
20 about eight months, I went to work for myself. Ms. Alton knew  
21 I went to work for myself. She was okay with it. We are all  
22 okay with it. I was making good money.

23 Then the spiritual part, again, that I was dealing with  
24 prior to talking to Ms. Alton in the Tulsa County Sheriff's  
25 Office about making those phone calls when I was in Colorado,



1 those spiritual attacks that I was dealing with were attacking  
2 me in Colorado, Montana, Utah. Those are what led me to call  
3 into the sheriff's office and I did ask for help. There was  
4 more than nine calls as they continued to say that I called. I  
5 called about 15 times asking for help. What is going on? Did  
6 I do something in Tulsa County? Did something go on?

7 They said that they only been watching me for six  
8 years. Nothing that they're watching me for was interesting to  
9 arrest me with. There's a story behind that one as well.

10 In Wagoner County -- I'm jumping -- in Wagoner County,  
11 I'm sitting at the house being attacked the same way  
12 spiritually, physically. I mean, I'm lying my bed, Judge, and  
13 I hear -- they say these voices. These are spirits, okay?  
14 It's not against flesh and blood. And I know when we say that  
15 to the psychologists, they'll say that you're mentally  
16 disturbed. They don't believe in the Bible. We don't believe  
17 in their psychology work.

18 The spiritual realm, when you're tuned in you do  
19 spiritually hear things going on in the spiritual realm. It  
20 does sound like it's a little -- if you talk to spiritual  
21 advisers, they'll tell you the same thing. There are spirits  
22 that are very mean, very powerful.

23 THE COURT: All right. Let me cut you off there.

24 THE DEFENDANT: Yes, sir. Go ahead.

25 THE COURT: I mean, your previous sentence was based

1 on a number of statements that you had made which clearly are  
2 on the other side of the line. You called the Tulsa area 911  
3 line on March 21st, 2017, and stated that the Tulsa County  
4 Sheriff's Office had planted a tracker in your leg and that you  
5 would -- and I apologize for the language but it's yours --  
6 "kill those motherfuckers."

7 THE DEFENDANT: I understand, Your Honor.

8 THE COURT: Then on April 24th, 2017, you called the  
9 Tulsa County Sheriff's Office and told a dispatcher that the  
10 sheriff's office had planted chips inside you; specifically, in  
11 your leg and behind your eyes, and that you would blow the  
12 office up with a bomb "like 9/11."

13 Then on May 3rd, 2017, you called the United States  
14 Marshal Service for the Northern District of Oklahoma and  
15 threatened to blow up the federal courthouse. During the call,  
16 you again made references to the chip that was implanted in you  
17 by government authorities.

18 On June 20th, 2017, you used the Facebook application  
19 to make a post on the public Web site of the Akdar Shrine  
20 located in Tulsa, Oklahoma. You accused the Shiners of  
21 conspiracies, murders, and pedophilia and threatened to use  
22 explosives against both the Shrine itself and the parades held  
23 by the Shiners. You further threatened to cut the individual  
24 Shiners "from ear to ear and gut them."

25 On June 27th -- and I'm skipping over one of these

1 incidents -- you called the court clerk's office for the  
2 Northern District of Oklahoma and declared that everyone should  
3 get out of the federal courthouse because it was, quote, about  
4 to go up in flames. There are five or six other statements  
5 that are equally --

6 THE DEFENDANT: Sure.

7 THE COURT: -- disturbing and problematic and  
8 clearly indicative of mental health problems.

9 THE DEFENDANT: Absolutely.

10 THE COURT: All right. I mean, there's a line  
11 between understanding scripture and making these kind of  
12 statements. You understand that?

13 THE DEFENDANT: Absolutely, Your Honor. And I have  
14 a very well answer -- perfect answer for what you just gave me.

15 THE COURT: All right.

16 THE DEFENDANT: My behavior was unacceptable, and  
17 that's exactly what I told those people, you know, to the  
18 counselors, to Ms. Preston. I told them it was "unbehavior" --  
19 I mean, unacceptable.

20 I'm not perfect. I made a mistake. The attacks that I  
21 was literally receiving out in Colorado, these were nothing but  
22 demonic attacks. It's not that I'm a bad person. It was  
23 literally somebody from Oklahoma throwing those demonic attacks  
24 on me even outside the state, which I didn't understand. You  
25 know, I didn't have any warrants out for my arrest. I wasn't

1 in trouble.

2 So those calls -- there was at least four to five more  
3 calls prior to those violent calls. That's what I wanted to  
4 talk also about. Those calls were, hey, what's going on Tulsa  
5 County sheriff's? Well, we don't do that type of behavior,  
6 sir. Okay. That's fine.

7 I called the U.S. marshals. You know, am I up  
8 underneath an arrest? I had calls asking what's going on.  
9 That wasn't just calling in and just blowing them up. That was  
10 them -- actually one of the calls, the lady laughed at me, and  
11 I thought, Ma'am, this ain't funny.

12 THE COURT: Okay. So all of that again is water  
13 under the bridge. We've already sentenced for that.

14 THE DEFENDANT: Yes, sir. Yes, yes.

15 THE COURT: My question is -- let me pose this to  
16 Mr. Faerber -- is there any behavior consistent with that which  
17 I just read that should concern me now such that I should send  
18 Mr. Trujillo in for another evaluation to your knowledge?

19 MR. FAERBER: Well, Your Honor, I think there could  
20 be. And I want Mr. Trujillo to understand that I've talked to  
21 Mr. Litchfield. From our perspective, what we're interested in  
22 is your health.

23 THE DEFENDANT: Yes, sir.

24 MR. FAERBER: Okay. We want you to be the best you  
25 can be. You've admitted you've had some mental problems just

1 now with the judge. That's a physical problem with the brain.  
2 And so if we have mental problems, it's hard for us to see it,  
3 right, because our mind's not working right.

4 So what I propose -- you've got broad powers, Your  
5 Honor, if I may. You've got broad powers based on supervised  
6 release. You're on supervised release right now, and the court  
7 can order some treatment and evaluation to make sure that there  
8 isn't something wrong with your brain. If there is and if you  
9 can get some treatment, it's going to help you. It's going to  
10 help you in your spiritual life. It will help you in your  
11 physical life. And I know Mr. Trujillo's aware from his  
12 reading of the Bible that Jesus himself healed a lot of  
13 people's bodies. So you got to get your body right.

14 So I think from the colloquy you've had with  
15 Mr. Trujillo from the past instances, from the letter, I think  
16 it's within your broad powers on supervised release to order an  
17 evaluation to make sure that if there's anything wrong with  
18 Mr. Trujillo physically, that he can receive the treatment to  
19 be the best person, the healthiest person, the best functioning  
20 he can be, if that makes sense.

21 **THE COURT:** Mr. Graham, you're obviously in a  
22 situation that you're counsel to Mr. Trujillo so it's a -- you  
23 have to represent his interests here. And I'm certainly not  
24 going to order today any forced medication. I mean, that's not  
25 -- that's not even before me.

1 MR. GRAHAM: Right.

2 THE COURT: And it's clear that his behavior is such  
3 -- and I can make the finding here on the record -- that  
4 Mr. Trujillo violated the terms of his supervised release and  
5 we're going to hold him pending sentencing. I further find  
6 that he has adequately and fully waived his rights to a  
7 contested hearing today.

8 The question before the court is should he be, based  
9 upon these statements in Mr. Murdock's letter, referred for  
10 further mental evaluation. And realizing that you represent  
11 Mr. Murdock here --

12 MR. GRAHAM: Like an Occam's razor, Judge.

13 THE COURT: Right. I understand. And I fully  
14 understand the difficulty there.

15 MR. GRAHAM: What I can tell Your Honor for sure is  
16 that, if you recall, at Mr. Trujillo's sentencing in October,  
17 we were talking about what a great success story that  
18 Mr. Trujillo had been. He at the time was working at the  
19 Muskogee Creek casino drywalling from the flood and getting  
20 that place back up and ship shape and --

21 THE DEFENDANT: Yes, sir.

22 MR. GRAHAM: And I have seen, and I think we might  
23 have shown pictures to you, about his tile work, Your Honor,  
24 and it's beautiful. And we were all -- Mr. Litchfield, myself,  
25 Ms. Livingston, we were all talking about what a great success

1 story Mr. Trujillo was at the time, and that was after several  
2 months of the medication in Springfield.

3 And then for whatever reason, because of our contracts  
4 in CREOKS and Mr. Trujillo's financial situation, he stopped  
5 going to CREOKS in Wagoner County and CREOKS doesn't give him  
6 any medicine. So we're standing before you -- a quick  
7 calculation -- about 14 months since the last time he's had  
8 that medication and, you know, in some ways it's not a surprise  
9 that here we are. I'm glad it's only for leaving the district  
10 and going fishing without a license. But, you know,  
11 Mr. Trujillo doesn't feel like he needs to be medicated and  
12 that's his position.

13 I will tell Your Honor that I spoke with Mr. Trujillo's  
14 mother who has wanted me to tell you that she intended to be  
15 here today, much like when she was here for sentencing in his  
16 original change of plea. She's been at every hearing up until  
17 today, but with COVID she decided she couldn't. Otherwise, she  
18 would be here to support Your Honor's decision and certainly  
19 Mr. Trujillo in whatever happens but --

20 THE COURT: All right. I'm going to pass this  
21 matter for three weeks for sentencing. Procedurally, I am not  
22 prepared to send Mr. Trujillo for evaluation absent an  
23 application by the government to do so. So should the  
24 government decide that it believes it necessary to have  
25 Mr. Trujillo evaluated, I'm directing the government to file

1 such a motion; if not, then we will proceed to sentencing here  
2 in three weeks.

3 Karen, could you give us a date?

4 DEPUTY COURT CLERK: Yes. We could do August 11th  
5 at 10:30.

6 THE COURT: All right. Good date?

7 MR. GRAHAM: Yes, Your Honor. I think I'm here on  
8 that date anyway.

9 THE COURT: Mr. Trujillo, where are you at, David  
10 Moss, sir?

11 MR. GRAHAM: Payne County.

12 THE DEFENDANT: Payne County, sir.

13 THE COURT: Okay. I understand that's actually  
14 working out rather well. How is it --

15 THE DEFENDANT: It's not. It's in jail. I'd rather  
16 be working, living my life, like everybody else in this  
17 courtroom. Can I say one more thing, Your Honor?

18 THE COURT: Of course.

19 THE DEFENDANT: That medication -- that doctor at  
20 CREOKS looked at me, just like you're looking at me, and she  
21 says, "Mr. Trujillo, you are not going to be medicated out  
22 here." She goes, "If that judge has a problem with what I'm  
23 recommending, have him to let me know and I'll write him a  
24 letter."

25 Judge, we make mistakes and I feel like I'm getting



1 condemned because of a mistake that I made and there's no  
2 justice on my behalf. I'm just like you all. I pay my bills.  
3 I pay my taxes. I get out and work from 7:00 a.m. to  
4 5:00 p.m., 6:00 p.m. I work hard. That woman over there sees  
5 my work every time she comes out. He sees it. My family is  
6 supporting with whatever you all decide.

7 But we know that ultimately the Lord's in charge with  
8 this behavior because it's going to open up a door to the  
9 backside where everyone wants that door shut and they don't  
10 want that behavior to be seen through this system, okay?  
11 There's nothing there other than the behavior inside of BOP,  
12 the behavior out here in the courts, the police department's  
13 behavior. Those behaviors are just like mine. We make  
14 mistakes. I made a mistake. I'm being pounded.

15 THE COURT: Well, your previous mistakes that led to  
16 the sentence before this court --

17 THE DEFENDANT: Absolutely, absolutely. And I took  
18 it as a man. I took it as a man.

19 THE COURT: Well, but they were clearly indicative  
20 of mental problems at that time.

21 THE DEFENDANT: And against God's nature. Because I  
22 am a Christian in the Bible and I do preach the word of God.  
23 I'm a prisoner minister. I go in and preach, like I said. It  
24 doesn't matter how "indictive" -- or vindictive they are. I  
25 made a mistake. We all make mistakes. Sometimes husbands get

1 mad at wives because they come in at 3:00 in the morning from a  
2 girlfriend party, they kill them. You know what I mean? Yes,  
3 we know that that happens. We make mistakes. That's where we  
4 need to recognize today as, please see that it's not a mental,  
5 it's a spiritual battle that we Christians have.

6 I brought it to Scott, my mother's a spiritual woman.  
7 She's very powerful in her belief with Christ. Myself, I fight  
8 more of a battle out there than just being a Christian, you  
9 know, because I'm deep with God's word and I made a mistake.  
10 So --

11 THE COURT: All right. Is there anything else we  
12 need to address here today? Mr. Graham?

13 MR. GRAHAM: No, Your Honor.

14 THE COURT: Mr. Faerber?

15 MR. FAERBER: No, Your Honor.

16 THE COURT: All right. Thank you very much. We are  
17 in recess. Thank you, sir.

18 THE DEFENDANT: Thank you.

19 *(The proceedings were concluded)*  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

I, Brian P. Neil, a Certified Court Reporter for the Northern District of Oklahoma, do hereby certify that the foregoing is a true and accurate transcription of my stenographic notes and is a true record of the proceedings held in above-captioned case.

I further certify that I am not employed by or related to any party to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

In witness whereof, I have hereunto set my hand this 5th day of August 2020.

s/ Brian P. Neil

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*Brian P. Neil, RMR-CRR  
United States Court Reporter*